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| APPLICATION NO. | FILING DATE | FIRST NAMED INVENTOR | ATTORNEY DOCKET NO. | CONFIRMATION NO. |
|--|-------------|----------------------|---------------------|------------------|
| 10/051,557 | 01/16/2002 | Daniel Roy Schlee | SCHLEE0201 | 9638 |
| 24507 | 7590 | 04/07/2006 | EXAMINER | |
| MICHAEL BLAINE BROOKS, P.C. P.O. BOX 1630 SIMI VALLEY, CA 93062-1630 | | | NGUYEN, TRI V | |
| | | | ART UNIT | PAPER NUMBER |
| | | | 1751 | |
| DATE MAILED: 04/07/2006 | | | | |

Please find below and/or attached an Office communication concerning this application or proceeding.

| | | | | |
|------------------------------|------------------------|--|---------------------|--|
| Office Action Summary | Application No. | | Applicant(s) | |
| | 10/051,557 | | SCHLEE, DANIEL ROY | |
| | Examiner | | Art Unit | |
| | Tri V. Nguyen | | 3622 | |

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) OR THIRTY (30) DAYS, WHICHEVER IS LONGER, FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 16 January 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-19 is/are pending in the application.
- 4a) Of the above claim(s) _____ is/are withdrawn from consideration.
- 5) ☐ Claim(s) _____ is/are allowed.
- 6) ☒ Claim(s) 1-19 is/are rejected.
- 7) ☐ Claim(s) _____ is/are objected to.
- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 16 January 2002 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
 2. ☐ Certified copies of the priority documents have been received in Application No. _____.
 3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- | | |
|--|---|
| 1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892) | 4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s)/Mail Date. _____ |
| 2) <input type="checkbox"/> Notice of Draftperson's Patent Drawing Review (PTO-948) | 5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152) |
| 3) <input checked="" type="checkbox"/> Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08) Paper No(s)/Mail Date <u>7/23 and 10/24/02</u> . | 6) <input type="checkbox"/> Other: _____ |

DETAILED ACTION

Claim Rejections - 35 USC § 102

1. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(b) the invention was patented or described in a printed publication in this or a foreign country or in public use or on sale in this country, more than one year prior to the date of application for patent in the United States.

2. Claims 1-17 are rejected under 35 U.S.C. 102(b) as being anticipated by Day et al. (5,857,175).

Claim 1: Day et al. discloses a promotional data delivery system comprising:

(a) first interfacing means for providing interaction between a host computer and one or more promoters, the first interfacing means comprising:

(1) defining means for the one or more promoters to fashion one or more promotional materials (col 3, lines 57 to col 4, lines 24 and col 7, lines 13-27);

(2) inputting means for the one or more promoters to enter one or more target consumer profiles corresponding the one or more of the promotional materials (col 3, lines 57 to col 4, lines 24 and col 7, lines 13-27); and

(3) database means for accessibly storing a target consumer profile for each of the one or more target consumer profiles entered by the one or more promoters in a manner relatable with consumer profiles (col 3, lines 23-31 and col 7, lines 13-27);

(b) second interfacing means for providing interaction between a host computer and one or more consumers subscribing to said system, the second interfacing means comprising:

(1) profiling means for each consumer to establish a consumer profile by responding to profiling queries provided by the host computer (col 5, lines 21-55); and

(2) database means for accessibly storing a consumer profile for each of the one or more consumers in a manner relatable with the target consumer profiles (col 4, lines 25-41 and col 11, lines 8-10);

(c) querying means for searching the database means with the consumer profiles according to the target consumer profiles to form a list of one or more consumers to receive promotional materials generated by the one or more promoters (col 3, lines 57 to col 4, lines 24);

(d) establishing means for forming a list of one or more targeted consumers based on the querying means (col 7, lines 13-27); and

(e) delivering means for providing to each of the targeted consumers the promotional materials (col 4, lines 62-67 and col 5, lines 21-55).

Claim 2: Day et al. discloses a promotional data delivery system as claimed in claim 1, wherein the second interfacing means for providing interaction between a host computer and one or more consumers subscribing to said system further comprises registering means for enrolling each of the one or more consumers as subscribing consumers (col 4, lines 25-41; col 11, lines 8-10 and col 12, lines 14-19).

Claim 3: Day et al. discloses a promotional data delivery system as claimed in claim 2, wherein the registering means for enrolling each of the one or more consumers as subscribing consumers further comprises means for each of the one or more consumers to affirmatively consent to receive one or more promoter-generated promotional materials without the affirming consumer:

(A) contemporaneously requesting specific promotional material (col 4, lines 25-41 and col 5, lines 21-55); and

(B) necessarily authorizing each distribution of promotion material on a per-transaction basis (col 4, lines 25-41 and col 5, lines 21-55).

Claim 4: Day et al. discloses a promotional data delivery system as claimed in claim 1, the system further comprising tracking means for correlating successive coupon deliveries as made by the host (col 7, line 59 to col 8, line 23 and col 14, lines 46-58).

Claim 5: Day et al. discloses a promotional data delivery system as claimed in claim 1, wherein the second interfacing means for providing interaction between a host computer and one or more consumers subscribing to said system further comprises selecting means for the consumer to request one or more of the promotional materials defined by the one or more promoters and thereby one or more identification numbers of the selected promotional material are transmitted to the host computer (col 7, lines 37-50).

Claim 6: Day et al. discloses a promotional data delivery system as claimed in claim 5, wherein the delivering means for providing to each of the targeted consumers the promotional materials provides promotional materials requested by the consumer (col 5, lines 21-55 and col 7, lines 37-50).

Claim 7: Day et al. discloses a promotional data delivery system as claimed in claim 1, wherein the first interfacing means for providing interaction between a host computer and one or more promoters further comprises transmission means for generating and automatically forwarding to an entity designated by each of the promoters, an email or other type of notification as an acknowledgement of activity (col 7, line 59 to col 8, line 23).

Claim 8: Day et al. discloses a promotional data delivery system as claimed in claim 1, wherein the profiling queries are comprised of consumer identity and preference determining queries (col 5, lines 21-55).

Claim 9: Day et al. discloses a promotional data delivery system as claimed in claim 1, wherein the delivering means for providing to each of the targeted consumers the promotional materials provides promotional materials generated by the promoters is comprised of one or more printers electronically and securely connected to the host and postal packages carrying promotional materials printed by the host computers addressed to the targeted consumers (col 4, lines 62-57 and col 5, lines 21-55).

Claim 10: Day et al. discloses a promotional data delivery system as claimed in claim 1,

Art Unit: 3622

wherein the delivering means for providing to each of the targeted consumers the promotional materials provides promotional materials generated by the promoters is comprised of the transmission, by the host to each targeted consumer, of an electronic coupon available for verification by participating retailers and printable electronic coupons for targeted consumers to print locally and transport to participating retailers (col 4, lines 62-67; col 5, lines 21-55 and col 10, lines 37-39).

Claim 11: Day et al. discloses a promotional data delivery system comprising:

(a) first interfacing means for providing interaction between a host computer and one or more promoters, the first interfacing means comprising:

(1) defining means for the one or more promoters to fashion one or more promotional materials (col 3, lines 57 to col 4, lines 24 and col 7, lines 13-27);

(2) inputting means for the one or more promoters to enter one or more target consumer profiles corresponding to one or more of the promotional materials (col 3, lines 57 to col 4, lines 24 and col 7, lines 13-27);

(3) database means for accessibly storing a target consumer profile for each of the one or more target consumer profiles entered by the one or more promoters in a manner relatable with consumer profiles (col 3, lines 23-31 and col 7, lines 13-27);

(b) second interfacing means for providing interaction between a host computer and one or more consumers subscribing to said system, the second interfacing means comprising:

(1) registering means for enrolling each of the one or more consumers as subscribing consumers (col 4, lines 25-41; col 11, lines 8-10 and col 12, lines 14-19);

(2) profiling means for each consumer to establish a consumer profile by responding to profiling queries provided by the host computer; said queries comprised of consumer data determining queries and consumer identity determining queries (col 4, lines 25-41 and col 11, lines 8-10);

Art Unit: 3622

(3) selecting means for the consumer to request one or more of the promotional materials defined by the one or more promoters (col 7, lines 37-50); and

(4) database means for accessibly storing a consumer profile for each of the one or more consumers in a manner relatable with the target consumer profiles (col 4, lines 25-41 and col 11, lines 8-10);

(c) querying means for searching the database means with the consumer profiles according to the target consumer profiles to form a list of one or more consumers to receive promotional materials generated by the one or more promoters (col 3, lines 57 to col 4, lines 24);

(d) establishing means for forming a list of one or more targeted consumers based on the querying means (col 7, lines 13-27);

(e) one or more printers electronically and securely connected to the host for the printing of promotional materials for delivery to the targeted consumers by a service selected from a group consisting of US Postal Service and parcel delivery services (col 4, lines 62-57 and col 5, lines 21-55); and

(f) tracking means for correlating successive coupon deliveries as made by the host (col 7, line 59 to col 8, line 23 and col 14, lines 46-58).

Claim 12: Day et al. discloses a method of promotional data delivery, the method comprising the steps of:

(a) interfacing between a host computer and one or more promoters wherein the step of interfacing between the host and the one or more promoters further comprises the steps of:

(1) defining, by the one or more promoters, one or more promotional materials (col 3, lines 57 to col 4, lines 24 and col 7, lines 13-27); and

(2) inputting one or more target consumer profiles corresponding to the one or more promotional materials by the one or more promoters into a database

Art Unit: 3622

of the host (col 3, lines 23-31; col 3, lines 57 to col 4, lines 24 and col 7, lines 13-27) ;

(b) interfacing between the host computer and one or more subscribing consumers wherein the step of interfacing between the host computer and the one or more subscribing consumers further comprises the steps of:

(1) presenting one or more profiling queries, by the host computer and to the one or more subscribing consumers (col 5, lines 21-55);

(2) transmitting, by the one or more subscribing consumers to the host computer, responses to the one or more profiling queries (col 4, lines 25-41 and col 11, lines 8-10); and

(3) storing, by the host computer in the database, one or more subscribing consumer profiling queries and the selections by the one or more subscribing consumers (col 4, lines 25-41 and col 11, lines 8-10);

(c) searching, by the host computer, of the database containing the one or more subscribing consumer profiles; said searching based on target consumer profiles (col 3, lines 57 to col 4, lines 24);

(d) identifying, by the host computer, subscribing consumer profiles satisfying said searching based on target consumer profiles (col 3, lines 57 to col 4, lines 24 and col 7, lines 13-27);

(e) establishing, by the host computer, from the identified subscribing consumer profiles, targeted consumers to receive promotional materials defined by the one or more promoters (col 3, lines 57 to col 4, lines 24 and col 7, lines 13-27);

(f) printing, by one or more printers attached to the host computer, promotional materials for the targeted consumers and one or more of the promotional materials both defined by the promoters and selected by the one or more subscribing consumers (col 4, lines 62-57 and col 5, lines 21-55); and

(g) delivering to each subscribing consumer the printed promotional materials selected by each respective subscribing consumer and the promotional materials established for each as a targeted consumer (col 3, lines 57 to col 4, lines 24; col 4, lines 62-57; col 5, lines 21-55 and col 7, line 59 to col 8, line 23).

Claim 13: Day et al. discloses a method of promotional data delivery as claimed in claim 12, wherein the step of interfacing between the host computer and the one or more subscribing consumers further comprises the steps of:

(a) selecting, by the one or more subscribing consumers, one or more the promotional materials defined by the promoters (col 3, lines 57 to col 4, lines 24 and col 7, lines 13-27);

(b) transmitting, by the one or more subscribing consumers to the host computer, the selected one or more promotional materials (col 3, lines 57 to col 4, lines 24 and col 7, lines 13-27); and

(c) storing, by the host computer in a database, the selections by the one or more subscribing consumers (col 4, lines 25-41 and col 11, lines 8-10).

Claim 14: Day et al. discloses a method of promotional data delivery as claimed in claim 12, wherein the step of interfacing between the host computer and the one or more subscribing consumers further comprises the steps of:

(a) registering, by the one or more subscribing consumers (col 4, lines 25-41; col 11, lines 8-10 and col 12, lines 14-19); and

(b) transmitting, by the one or more subscribing consumers to the host computer, consent to receive promotional materials as targeted consumers (col 4, lines 25-41; col 11, lines 8-10 and col 12, lines 14-19).

Claim 15: Day et al. discloses a method of promotional data delivery as claimed in claim 12, wherein the profiling queries are comprised of consumer identity and preference determining queries (col 5, lines 21-55).

Art Unit: 3622

Claim 16: Day et al. discloses a method of promotional data delivery as claimed in claim 12, wherein the step of interfacing between the host and the one or more promoters further comprises the steps of automatically generating and forwarding an email or other type of notification to an entity designated by each the promoters entity acknowledging the interfacing (col 7, line 59 to col 8, line 23).

Claim 17: Day et al. discloses a method of promotional data delivery as claimed in claim 12, the method further comprising the step of tracking, by the host computer, the coupon deliveries as they are made by the host (col 7, line 59 to col 8, line 23 and col 14, lines 46-58).

Claim 18: Day et al. discloses a method of promotional data delivery, the method comprising the steps of:

(a) interfacing between a host computer and one or more promoters wherein the step of interfacing between the host and the one or more promoters further comprises the steps of:

(i) defining, by the one or more promoters, one or more promotional materials (col 3, lines 57 to col 4, lines 24 and col 7, lines 13-27); and

(ii) inputting one or more target consumer profiles corresponding to the one or more promotional materials by the one or more promoters into a database of the host (col 3, lines 23-3; col 3, lines 57 to col 4, lines 24 and col 7, lines 13-27);

(b) interfacing between the host computer and one or more subscribing consumers wherein the step of interfacing between the host computer and the one or more subscribing consumers further comprises the steps of:

(1) presenting one or more profiling queries, by the host computer and to the one or more subscribing consumers (col 5, lines 21-55);

(2) transmitting, by the one or more subscribing consumers to the host computer, responses to the one or more profiling queries (col 4, lines 25-41 and col 11, lines 8-10);

Art Unit: 3622

(3) selecting, by the one or more subscribing consumers, one or more the promotional materials defined by the promoters (col 3, lines 57 to col 4, lines 24 and col 7, lines 13-27);

(4) transmitting, by the one or more subscribing consumers to the host computer, the selected one or more promotional materials (col 3, lines 57 to col 4, lines 24 and col 7, lines 13-27); and

(5) storing, by the host computer in the database, one or more subscribing consumer profiling queries and the selections by the one or more subscribing consumers col 3, lines 57 to col 4, lines 24 and col 7, lines 13-27);

(c) searching, by the host computer, of the database containing the one or more subscribing consumer profiles; said searching based on target consumer profiles (col 4, lines 25-41; col 5, lines 21-55 and col 11, lines 8-10);

(d) identifying, by the host computer, subscribing consumer profiles satisfying said searching based on target consumer profiles (col 4, lines 25-41; col 5, lines 21-55; col 11, lines 8-10; col 14, lines 46-58 and col 16, lines 1-67);

(e) establishing, by the host computer, from the identified subscribing consumer profiles, targeted consumers to receive promotional materials defined by the one or more promoters (col 4, lines 25-41; col 5, lines 21-55; col 11, lines 8-10; col 14, lines 46-58 and col 16, lines 1-67);

(f) transmitting by the host computer, promotional materials for the targeted consumers and one or more of the promotional materials both defined by the promoters and selected by the one or more subscribing consumers in an electronic document (col 4, lines 25-41; col 5, lines 21-55; col 11, lines 8-10; col 14, lines 46-58 and col 16, lines 1-67);

(g) printing, by the subscribing consumer a hardcopy of the electronic document (col 3, line 57-67; col 4, lines 62-67; col 5, lines 21-55 and col 10; lines 37-39); and

Art Unit: 3622

(h) delivering to a sponsoring retailer the hardcopy for scanned redemption (col 5, lines 21-55).

Claim 19: Day et al. discloses a method of promotional data delivery as claimed in claim 18, the method further comprising the step of tracking, by the promoters, scanned coupon redemptions (col, 7, line 59 to col 8, line 23 and col 14, lines 46-58).

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- A. Fajkowski (5,905,246) discloses a coupon dispensing system with a printing implementation.
- B. Mankoff (6,385,591) discloses a method and system for electronic organization of coupons.
- C. Walkingshaw (5,488,423) discloses a system for accessing printable coupons.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Tri V. Nguyen whose telephone number is (571) 272-6965. The examiner can normally be reached on M-F 8:00 AM to 5:30 PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Eric Stamber can be reached on (571) 272-6724. The fax phone number for the organization where this application or proceeding is assigned is 571-273-8300.

Art Unit: 3622

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

nvt

A handwritten signature in black ink, appearing to read "Eric W. Stamber". The signature is fluid and cursive, with the first name "Eric" and last name "Stamber" clearly distinguishable.

**ERIC W. STAMBER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 3600**